

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Thomas R. Goecke**

Confirmation No.: **2438**

Serial No.: **10/674,108**

Art Unit: **1772**

Filed: **September 29, 2003**

Examiner: **Nasser Ahmad**

Title: **PRESSURE SENSITIVE ADHESIVE TAPE
FOR FLOOR MARKING**

Appeal No.: **2008-4501**

Docket No. **5923.0001**

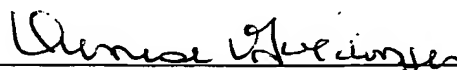
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Denise Goldinger



Items enclosed herewith

1. Notice of Appeal
2. Proof of Service
3. Return receipt postcard

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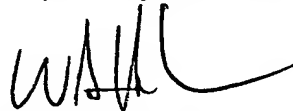
Appeal No. **2008-4501**

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**NOTICE OF APPEAL UNDER 37 C.F.R. § 1.302
TO THE COURT OF APPEALS FOR THE FEDERAL CIRCUIT**

Pursuant to 35 U.S.C. § 142 and 37 C.F.R. § 1.302, applicant Thomas R. Goecke hereby files a Notice of Appeal to the United States Court of Appeals for the Federal Circuit. Applicant seeks review of the Decision on Appeal by the Board of Patent Appeals and Interferences in Appeal No. 2008-4501 on February 19, 2009 and the Decision on Request for Rehearing rendered in the same case on July 16, 2009. This Notice of Appeal is being filed within two months of the date of the Decision on Request for Rehearing, and, therefore, is timely filed by Applicant. A copy of this Notice of Appeal and the requisite docket fee are being filed concurrently with the Clerk of the U.S. Court of Appeals for the Federal Circuit.

Respectfully submitted,



W. Scott Harders
Registration No. 42,629

Date: September 14, 2009

BRENNAN, MANNA & DIAMOND, LLC
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PROOF OF SERVICE

State of Ohio)
)
City of Akron, County of Summit) ss:

I am employed in the City of Akron, County of Summit, Ohio. I am over the age of 18 and not a party of the within action. My business address is 75 East Market Street, The Carnegie Building, Akron, Ohio 44308.

On September 15, 2009, I served the foregoing documents described as:

**NOTICE OF APPEAL UNDER 37 C.F.R. § 1.302 TO
THE COURT OF APPEALS FOR THE FEDERAL CIRCUIT**

on the interested parties in this action by placing a true copy thereof in a sealed enveloped addressed as follows:

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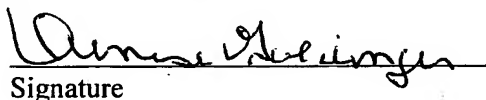
United States Court of Appeals for the Federal Circuit
Room 401
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Washington, D.C. 20439

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I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on September 15, 2009, at Akron, Ohio.

Denise Goldinger
Printed Name


Signature